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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,163	09/27/2001	Shridhar P. Joshi	47079-0117	3932

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EXAMINER

RADA, ALEX P

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,163

Applicant(s)

JOSHI, SHRIDHAR P.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 14, 16, 18, 20, 21 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 14, 16, 18, 20-21, and 27-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In response to the amendment filed March 5, 2004, in which the applicant cancels claims 2, 5-13, 15, 17, 19, and 22-26, amends claims 1, 14, 18, 27-28, and 31-34, and claims 1, 3-4, 14, 16, 18, 20-21, and 27-36 are pending in this office action.

Drawings

1. The drawings were received on March 5, 2004. These drawings are acceptable.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 14, 18, 27, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody '136 in view of Brandstetter '427.
4. Moody discloses the following:

A gaming machine receiving a wager to initiate play, randomly selecting an outcome for the game from a plurality of possible outcome, representing the selected outcome on a visual display (20), awarding a monetary payout from the gaming machine for a winning outcome (paragraph 31), dispensing a tangible sweepstakes entry from the gaming machine in response to the selected outcome being a predetermined one

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or more of the plurality of possible outcomes (paragraph 30), submitting the sweepstakes entry to enter the sweepstakes without involving the gaming machine, conducting the sweepstakes after the sweepstakes entry is dispensed from the gaming machine (paragraph 25 and summary), and the gaming machine in response to wagering on all available pay lines, in which the examiner interprets to be the max bet for one pay line as recited in claims 1, 14, 18, 27, and 31-32.

Moody does not expressly disclose completing the tangible sweepstakes entry form manually with identifying indicia as recited in claims 1, 14, 18, 27, and 31-32.

Brandstetter teaches completing the tangible sweepstakes entry form manually with identifying indicia (paragraphs 19 and 37). By having completing a sweepstakes entry form manually, one of ordinary skill in the art would provide game players a chance at a supplemental award to there initial gaming award.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Moody to include the completion of the tangible sweepstakes entry form manually with identifying indicia as taught by Moody to provide game players a chance at a supplemental award to there initial gaming award.

5. Claims 3-4, 16, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody '136 in view of Brandstetter '427 as applied to claims 1, 14, and 18 above, and further in view of Horniak '362.

6. Moody discloses the claimed invention except for the following:

The predetermined one or more of the plurality of possible outcomes is associated with the monetary payout exceeding a predetermined threshold and below a predetermined threshold as recited in claims 3-4, 16, and 20-21.

Horniak teaches one or more of the plurality of possible outcomes is associated with the monetary payout exceeding a predetermined threshold and below a predetermined threshold (paragraphs 43-44). By having a predetermined threshold associated with the monetary payout, one of ordinary skill in the art would provide an incentive to the players of a slot machine to continue to use the slot machine (paragraph 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Moody to include one or more of the plurality of possible outcomes being associated with the monetary payout exceeding a predetermined threshold and below a predetermined threshold as taught by Horniak. To do so would provide an incentive to the players of a slot machine to continue to use the slot machine.

7. Claims 28-30 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak '362 in view of Brandstetter '427.

8. Horniak discloses the following:

A gaming machine receiving a wager to initiate play of a game, randomly selecting an outcome for the game from a plurality of possible outcomes, the plurality of possible outcomes having a plurality of possible winning outcomes, awarding a monetary payout, dispensing a tangible sweepstakes entry from the gaming machine in response to a predetermined number of plays associated with a predetermined game outcome (paragraph 42), player tracking information criteria (paragraph 32), predetermined time of day (paragraph 48), submitting the sweepstakes entry to enter the sweepstakes without involving the gaming machine, and conducting the sweepstakes after the

sweepstakes entry is dispensed from the gaming machine (paragraph 11 and summary) as recited in claims 28 and 34.

The predetermined game outcome is not one of the plurality of possible winning game outcomes, in which the examiner interprets to be the number of coins inserted (paragraph 41) as recited in claim 29.

The predetermined game outcome is one of the plurality of possible winning game outcomes, in which the examiner interprets to be the number of coins bet (paragraph 42) as recited in claim 30.

Requiring credits on the gaming machine prior to dispensing the tangible sweepstakes ticket as recited in claim 35; requiring the gaming machine to register a player tracking card before dispensing the tangible sweepstakes ticket (paragraph 32) as recited in claim 36.

Horniak does not expressly disclose completing the tangible sweepstakes entry form manually with identifying indicia as recited in claims 28-30 and 34-36.

Brandstetter teaches completing the tangible sweepstakes entry form manually with identifying indicia (paragraphs 19 and 37). By having completing a sweepstakes entry form manually, one of ordinary skill in the art would provide game players a chance at a supplemental award to there initial gaming award.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Horniak to include the completion of the tangible sweepstakes entry form manually with identifying indicia as taught by Moody to provide game players a chance at a supplemental award to there initial gaming award.

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Response to Arguments

9. Applicant's arguments with respect to claims 1, 3-4, 14, 16, 18, 20-21, and 27-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jessica Harrison can be reached on 703-308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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JESSICA HARRISON
PRIMARY EXAMINER